

ACCESS TO JUSTICE: FINDINGS FROM A SURVEY WITH CHILDREN AND TEENAGERS

Introduction

During the summer of 2013, Child Rights Connect conducted a survey with 310 children from 24 countries around the world to ask for their views and opinions on accessing justice in their own countries. Child Rights Connect distributed this child-friendly survey on access to justice through a network of non-governmental organisations worldwide that work with children and teenagers. It was also available to complete online (please see Annexe One for survey used).

Most respondents were aged between 11 and 17 years old (92 per cent) with just eight per cent being under ten years old. Forty-two per cent were boys and 58 per cent were girls. Six per cent of participants defined themselves as having a disability or special needs. Most children - 65 per cent - came from Central and South America. Fifteen per cent were from Europe, 13 per cent from South Asia and the rest from the Middle East and North Africa, South-Eastern Asia and Central and Western Africa. A breakdown of the number of participants by country can be found in Annexe Two.

Figure i: Participation in Survey by Age

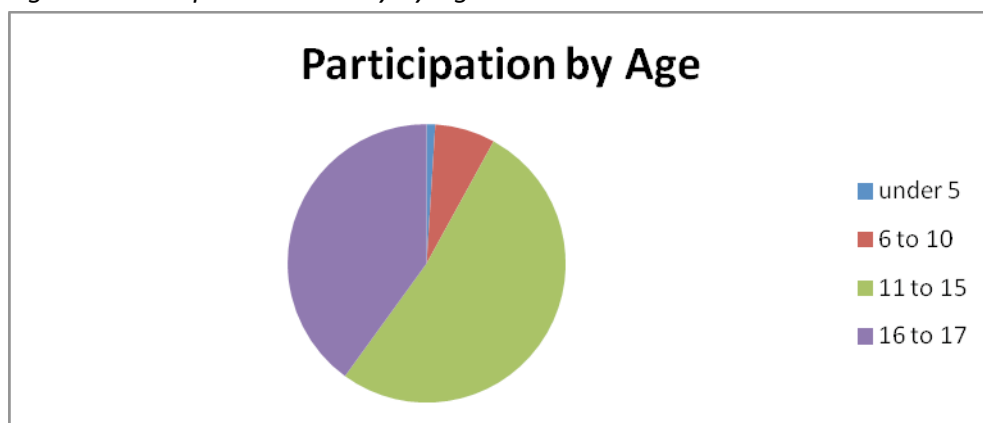
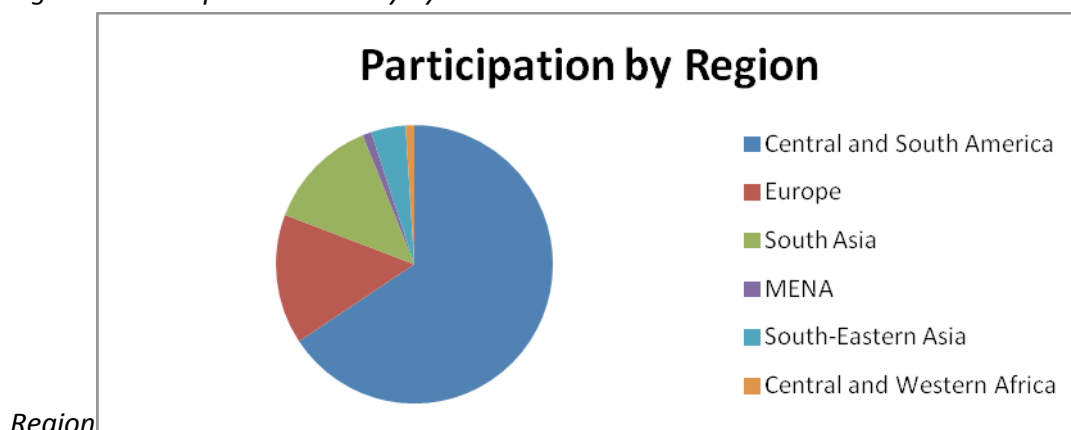


Figure ii: Participation in Survey by Region

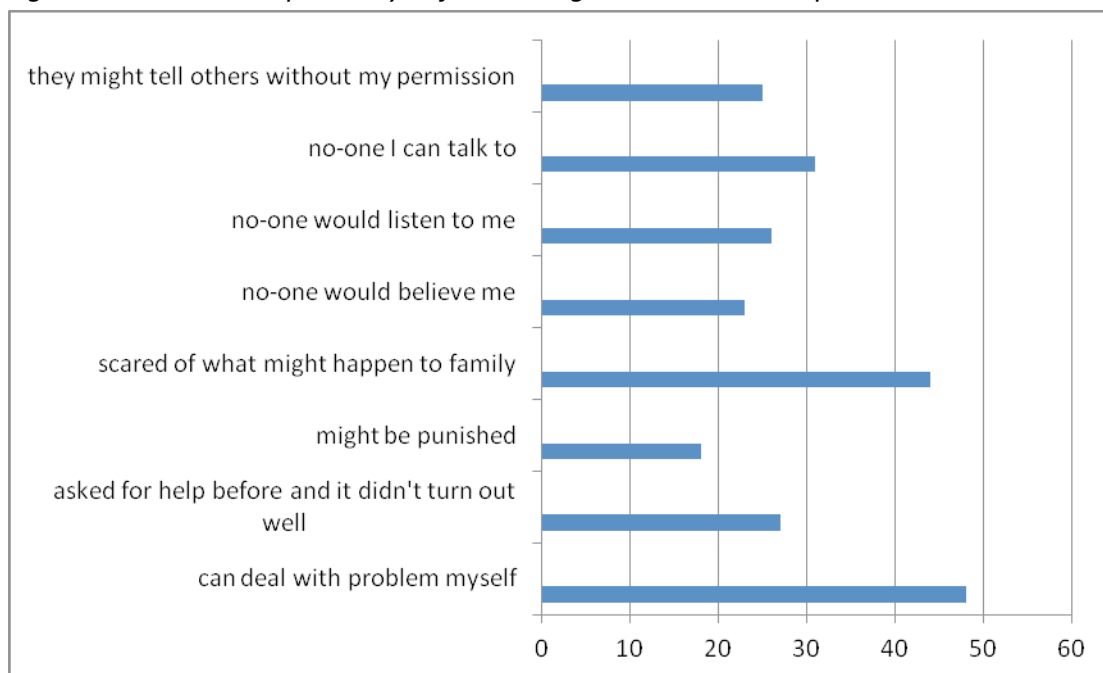


Part I: Children’s knowledge of their rights and perception of the justice system

1.1 How comfortable are children in raising problems they face with others and what prevents them from discussing violations of their rights?

It is reassuring that the vast majority of children and teenagers - 87 per cent - said they would tell someone if they were unhappy with the way they were being treated. However, six per cent of children did not feel comfortable to raise problems with anyone (the rest did not know). This group of children were then asked to choose from a series of options which explained why they couldn't talk to anyone (it should be noted that some children who were happy to talk to someone about the way they were being treated also answered this question). Nearly half thought they would be able to deal with the problem themselves whilst forty-four per cent said they would be scared of what might happen to their family. Over a quarter had asked for help before and it hadn't turned out well.

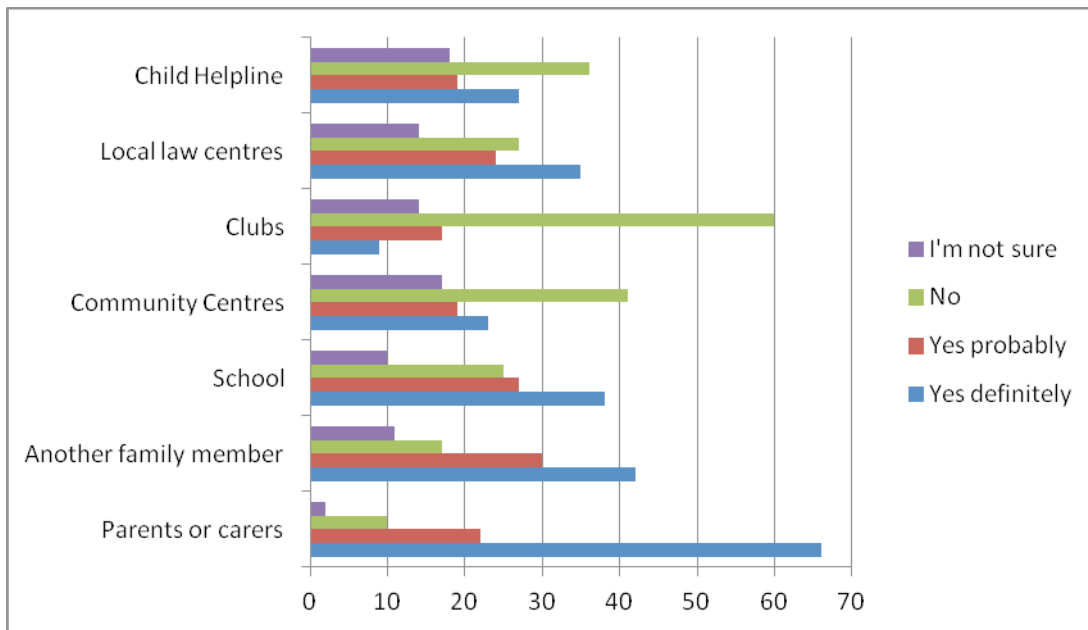
Figure iii: What would prevent you from telling someone about a problem?



1.2 Accessing information about their rights and remedies

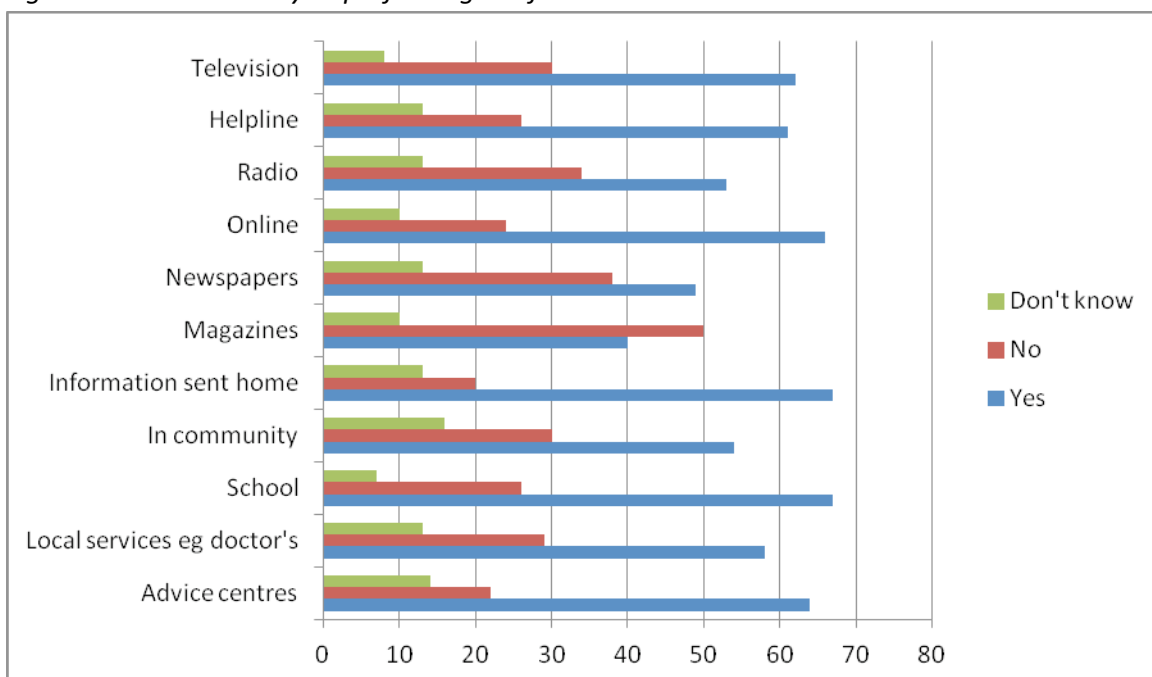
Children were asked where they could get hold of information about remedies for violations of their rights. Overwhelmingly they stated that the main source of information about remedies would come from parents or carers - in total 88 per cent of children said that they would definitely or probably get information from them. A further 70 per cent said they would definitely or probably obtain information from family members. Sixty-five per cent said they could definitely or probably get information from schools and sixty per cent from local law centres. A Child Helpline was not such a popular choice with just 46 per cent viewing this as a way of getting information.

Figure iv. Where can you get hold of information about remedies?



When asked how and where they would like to access information about remedies for violations of their rights, respondents showed a strong preference for information to be sent directly to them as well as for information to be provided at school and online. The least favoured options were to receive information via traditional media such as magazines, newspapers, the radio or in the community. It is worth pointing out that a number of children, all of whom live outside of Europe, added that they find it hard to access the internet and some also had concerns about maintaining their privacy if accessing information online.

Figure v: Where would you prefer to get information about remedies?



1.3 Perceptions of the justice system

Children were asked "Do you agree with the statement 'The justice system works well for children in my country?'". Exactly 50 per cent of children did agree with this statement, whilst 27 per cent did not. Twenty-three per cent were not sure. Those children who did not agree that their justice system worked well were then invited to discuss what doesn't work and how it could be improved (it should be noted that some children who did agree that the justice system worked well also commented in this section). Their responses mostly deal with identifying what is currently not working rather than improvements and are summarised below.

- **Lack of effective participation by children in the justice system**

Because many times they consider us as incapables or immature and they don't take us into account.

Girl, 16-17, Peru

It doesn't work because the protection system does not work adequately and they don't know how to deal with child victims. They think that we are not subjects of rights, that we are incapable of submitting a complaint, they don't listen to us.

Girl, 16-17, Peru

Judges don't listen and treat all of us the same.

Boy, 11-15, Peru

I think that [the] government has implemented a new policy without asking what children think of that, they only think about adults.

Girl, 16-17, Croatia

I have heard and seen a lot of situations in which children were misheard and mistreated and it wasn't right.

Girl, 11-15, Croatia

We are not considered equal parts of society.

Boy, 16-17, Croatia

[Need] to listen the children more than they do now.

Girl, 16-17, Romania

They do not care about the children's wellbeing.

Girl, 16-17, Romania

It appears very complicated and doesn't seem to be available for young people/children to use to make a complaint against violation of rights. Furthermore, they give little support to children and young people and can appear very intimidating and scary. This makes it difficult for children and young people to use the justice system in the UK.

Boy, 16-17, United Kingdom

No, because children are often sidelined because of money. They cannot afford lawyers or a law suit so nothing happens. Because of children's lack of power, they are often the easiest people to ignore. If children understood their rights more clearly, then they would be able to stand up for themselves more often. Also, if there was child friendly infrastructure that made things easy for children, we would be able to report things more easily.

Girl, 16-17, United Kingdom

Participation of children/young people is not very accepted in many areas of interest.

Boy, 16-17, Honduras

Because the adults do not give importance to children in the community.

Boy, 11-15, Peru

- **Justice for children is not a priority for governments**

The non implementation of laws or conventions (CRC, African Charter on the rights and well-being of the child) on this subject, the lack of knowledge about children's fundamental rights by those in charge of implementing them, corruption and poverty.

Girl, 16-17, Guinea

The State doesn't do what it is suppose to do, minors don't have rights in this country, we are the last ones.

Girl, 16-17, Honduras

They are not interested in the children's well-being.

Girl, 16-17, Honduras

The children in my country are ignored and abandoned by the authorities.

Girl, 16-17, Honduras

Sometimes they ignore our complaints and leave them aside and they don't care if our rights are violated.

Boy, 16-17, Peru

01. Child/early marriage needs to stop fully. 02. Implement child labour law more properly. 03. Local Government should emphasize on child rights more adequately. 04. Ensured education for all. 05. Increase Stipend for poor children

Boy, 16-17, Bangladesh

Nothing functions: education, food, management, freedom, so everything must be improved in line with priorities. Currently in DRC children are being trafficked: girls are sold for 20,000 FC (approx US\$22) and boys for 15,000 FC (approx US\$16).

Girl, 16-17, DRC

- **Lack of accountability for violations of rights including child labour and other forms of violence against children**

People who abuse children are not given heavy punishments, so there is no remorse. Punishments should be used to instil fear in people so these things do not happen again. Parents must be made to understand that children are individuals, and they are not needed every step of the way.

Girl, 16-17, Malaysia

Child labour is observed high in this country due to not poor application of child labour law. Need to work more against child labour. Children are tortured many ways. So those who work for child labour prevention need to maintain child labour law and its application.

Girl, 11-15, Bangladesh

According to my opinion, justice system in Bangladesh is not very much accessible for children. Increasing number of cases of violence against children in many forms is reported in the daily newspapers which shows little evidence of punishment of perpetrators and implementation of the laws.

Girl, 11-15, Bangladesh

I answered no because I have known some cases where verdicts of cases took too long to penalize the abusers.

Girl, 16-17, Philippines

There are still a lot of children that experience child labour and corporal punishment and that the government does not respond to these issues. There are also many laws for children but the law implementation is poor.

Girl, 16-17, Philippines

It works good for ethnical Norwegian children. But girls under 18 who are victims of rape have a little chance of getting supported in the justice system. It's often traumatic to report an incident of rape, since you have to go through hours of uncomfortable interrogation. This process can last years, and it's well known that most cases are dismissed. The result is that girls feel that they aren't getting believed by the police, that often hurts even more. Another problem is that those who are children of illegal immigration are getting sent out of the country, even though they have grown up in Norway and is born here. It is well known that this is breaking the Convention of the rights of the child. On a general note: the justice system works relatively good compared to other countries.

Girl, 16-17, Norway

People who are given a specific sentence in jail for example, do not serve the time that they are sentenced for. This is a shame as the perpetrator walks away, not having learnt the lesson that a child's rights were being severely violated.

Girl, 11-15, United Kingdom

- **Corruption**

This was cited by eight per cent of children from different regions as a reason for the justice system not working well.

- **Specific difficulties that girls can face in obtaining justice**

There is no priority of child opinion. Early marriage, child labour increasing day by day. Female children are being neglected.

Girl, Bangladesh, 16-17 years old

There are discrimination of gender, there are families do not want to give importance of children voice, early marriage. There should increase awareness among community. All family head should know the equal rights of male and female child.

Girl, Bangladesh, 16-17 years old

- **Violations within criminal justice systems**

Because since the early stage of the justice system children rights have been violated. For example, the children have no chance to access to justice system, over period of detention at police custody stage, and sometime they were physically abuse. The second problem is that the local authorities capacity is limited to the legal procedure. The corruption still happened at all stage of the court system. Lastly, sometime the complaint were dismissed by court official with no reliable reason.

Boy, 16-17, Cambodia

Children's courts have only just been established but they don't even have budgets less still proper physical infrastructure.

Boy, 6-10, DRC

Part II: Children's best champions

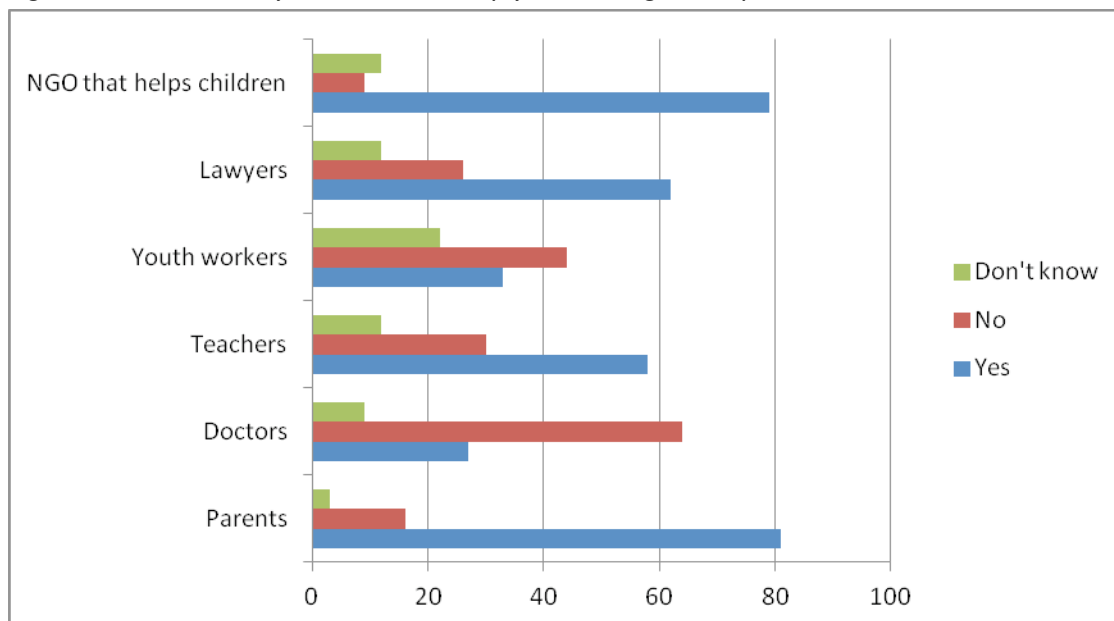
2.1 Who would children choose to help them make a complaint and why?

The vast majority of children - 81 per cent - said that they would want their parents to help them in obtaining access to justice. Almost as large a proportion selected to be helped by an NGO that helps children - 79 per cent. The least preferred options were doctors and youth workers.

When asked why they had selected these people to help them, the most common response was that it was because they trusted them - a third of children and teenagers used the word trust in their answers. The other most common explanations given were that these people are available, competent and know the child well. A 6-10 year old girl in Bangladesh explained her selection criteria as being 'because I trust them, I have expectations from them, I have good relationship with them and they are friendly to me.'

Clearly it is vitally important that children trust the people who are helping them access justice. NGOs were also selected because of their expertise, experience and competence. A 16-17 year old girl from DRC explained that 'NGOs that help children know a great deal and resolve cases; they are really on the ground.' A 6-10 year old boy from DRC explained that NGOs 'listen when I want to talk to them.' NGOs are a very important resource for children growing up without parental care. A 16-17 year old girl from Romania explained that 'because I do not have parents and I grow up in a Placement Centre, I consider that an NGO (where I am living now), can help me as they do now.' A 16-17 year old girl from Greece also mentioned that she would prefer to have assistance from the Children's Ombudsman.

Figure vi: Who would you choose to help you making a complaint?



Around a fifth of children did not want to have help from their parents with bringing a complaint. This was explained in differing terms: a 16-17 year old girl from the United Kingdom selected all options but not her parents to help her, explaining that non-family members 'are easier to talk to and they are more knowledgeable on the procedures and how to get the best outcome for the situation.' A 16-17 year old girl from Malaysia selected doctors, youth-workers, lawyers and NGOs to help her because 'these people are more likely to be a lot less biased.' A 16-17 year old girl from Argentina selected doctors, teachers and NGOs to help her 'because I feel comfortable talking to them, because I trust them.' An 11-15 year old boy from Bangladesh who selected teachers, NGOs and family members to help him explained that 'My father doesn't look

after me. My aunty cannot provide for my needs, sometimes she beats me. Nobody loves me. I want to share with a person who will love me and keep all the things confident[ial].'

We looked more closely at the characteristics of this group of children who did not wish to have the support of their parents and noted that more of them reported that they had a disability or special needs - 11 per cent compared with six per cent of all respondents. They also had different ideas about where they would get hold of information about remedies. Forty-nine per cent said they would definitely or probably get hold of information about remedies from their parents compared to 88 per cent of all respondents. Also far fewer sought information about remedies from their family members: 47 per cent compared to 72 per cent of all respondents. A slightly higher number than average within this group did not agree that their justice system worked well: 37 per cent compared with 27 per cent of all respondents. An 11-15 year old girl explained that she did not agree the justice system worked well because 'Everybody tells about justice but I don't get justice. I don't get justice from my family first.'

2.2 What sort of obstacles could get in the way?

Children were asked to identify the sort of obstacles or challenges that they thought could prevent their champions from helping them access justice. The most commonly cited obstacle was that their helpers would be threatened or would be made afraid during the process of bringing a complaint. A 16-17 year old girl from Peru explained that 'It would depend on who I denounce. Unfortunately, if I denounce someone powerful, no one will help me because they would run the risk of being fired themselves.' A 16-17 year old girl from the United Kingdom said that a big obstacle would be 'the power structure surrounding the issue.'

Other common obstacles that the children cited were that cases take a long time. A 11-15 year old girl from the Philippines said 'it might take a long process for my complaint to be tackled because the court receives a lot of complaints'. Children were concerned that those giving them assistance would lack the facilities, time and resources needed and that they would lack belief in children. A 16-17 year old boy from Peru identified an obstacle as being that 'it takes too much time to listen to and help children.' Other challenges listed were corruption, lack of communication between children and their helpers and lack of knowledge or understanding of the case and law by their helpers.

2.3 What help could their champions provide?

When asked what their champions could do to help them bring a complaint for a violation of their rights, the most common response was that children needed practical support, guidance and information about how to go about bringing a complaint and if need be an appropriate referral. A 16-17 year old girl in Peru explained that '[t]hese persons should be trusted, ready to help and understand/ be able to deal with issues related to child legislation.' A 6-10 year old girl in Bangladesh suggested that 'They give me advice, suggestions. They guide me and help me regarding this. Even they go with me where I need to go for this purpose.'

A number of other issues were also raised and are summarised below:

- **Champions must be accessible**

Essentially we need professionals to feel accessible so that young people can approach them, and then be directed to the relevant professionals.

Boy, 16-17, United Kingdom

Sometimes if you feel shy to approach them, they need to approach you if they know something is wrong.

Girl, 11-15, United Kingdom

- **The importance of being listened to and understood**

By listening to me and having me participate to my own defence.

Girl, 16-17 Guinea

If people want to help me, they need to put themselves in my position and listen to me with understanding.

Girl, 16-17, Croatia

All the options that is already available, such as a child line, organizations or societies, etc, should actually be helpful. Our complaints should actually be heard, and some sort of action should be taken!

Girl, 11-15, Malaysia

The people who will help me must understand me and deal properly with this information.

Girl, 11-15, Peru

- **Children must be protected whilst bringing complaints**

By providing me the opportunity to share my views and by ensuring my protection that I will not be left into oppression after complaining.

Boy under 5 Bangladesh

Provide me the fear free circumstances. -Ensure my protection. -Who thinks of me.

Girl, 11-15 Bangladesh

Part III: Children in the judicial process

3.1 Which are the most important elements of justice for children?

Children were asked to prioritise 12 different elements of a child-friendly justice system from a list according to whether they were not important, important or very important for them (see figure vii below for detailed responses). The clear message is that children and teenagers want information to be given to them about the process of bringing a complaint in their own languages. Ninety-six per cent said it was important or very important to give children information before talking to them about bringing a complaint including why they are meeting,

what will happen during the meeting, who will be there, and what will happen afterwards. A 16-17 year old girl from Croatia explained that '[w]hen you tell children what they can expect it is much easier, and children have time to prepare.' Ninety-five per cent said it was important or very important to communicate with children in their own languages during proceedings.

They want clarity in communication: 97 per cent said it was important or very important that decisions are explained to children in a way they can understand. A 16-17 year old girl from Malaysia stated that '[i]t is extremely important to make sure that we, the children as the subject understand what is going on as huge meetings sometimes can be overwhelming for us. So, it is important that discussions done are very much approachable so that children participate and understand.' An 11-15 year old girl from Guatemala expressed a wish that courts/ officials talk '[w]ith words that children understand, not with words that they might not understand themselves.'

Children also want to be listened to and treated in a respectful manner: 98 per cent said it was important or very important for children's views to be listened to and that they should be treated with respect. A 16-17 year old girl stressed that 'It's important to make the child feel safe so that they can share their struggles. Adults who listen and respect what the child is saying will make a big difference!'

They want to be supported during the process of bringing a complaint: 97 per cent wanted one person to assist them during court proceedings. They suggested for example a social worker, interpreter, psychologist or parent. A 16-17 year old girl from the United Kingdom suggested that courts '[h]ave professions, such as trained councillors and psychologists, who can talk to the children if they want to and always arrange for them to travel with someone they know well: teacher, parent, carer etc.'

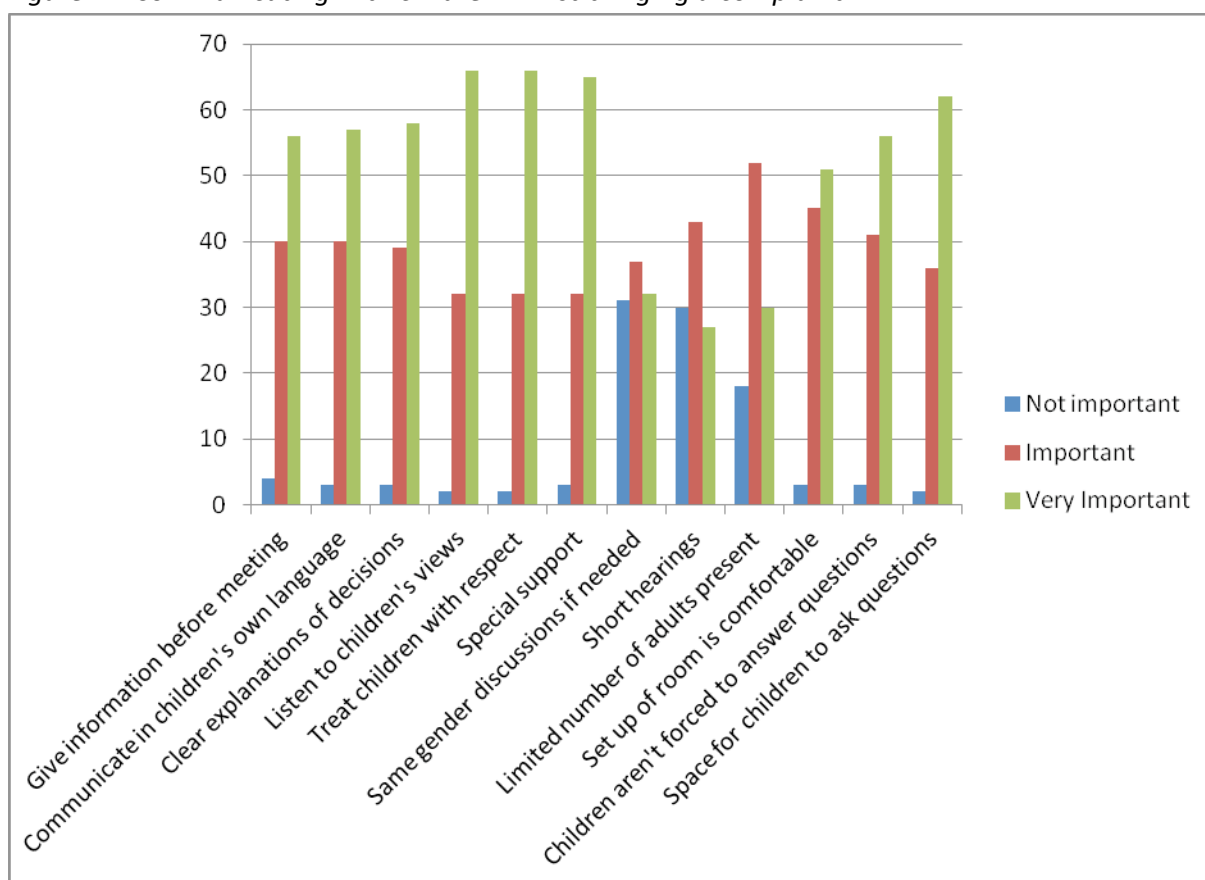
They want to have individualised treatment when it is needed: 97 per cent thought it was important or very important to have special support for children who have experienced a traumatic event that they are telling the court or judicial body about, for example a psychologist. A 11-15 year old girl from Bulgaria requested that a court doesn't 'ever underestimate one child's issue. If the child has experienced a traumatic event don't push him/her into talking in details if he/she finds it impossible to do. Be patient.' Just 69 per cent thought it was important for girls to talk to female judges or officials and boys to male judges or officials. However, some commented that this should be an option as needed. A 11-15 year old girl from Bulgaria remarked that '[i]n some cases the child might have experienced sexual assault so talking about the experience with a person from the same sex will be far more comfortable.'

Seventy per cent of children thought it important or very important to keep hearings or meetings with officials concerned with their case short. When asked how long such hearings should be, 51 per cent said they should be between one and two hours and no more. A third thought they should be under an hour and just 17 per cent thought they should last for over two

hours. When asked how many adults should be present during hearings, 53 per cent said there should only be five adults or fewer, 24 per cent thought there should be between six and ten adults present and 23 per cent said there should be over 11.

In terms of hearings themselves, 88 per cent thought it important or very important not to ask the same question repeatedly, 98 per cent thought it important or very important to provide space for children to ask questions and 97 per cent thought that children should be allowed to express themselves freely and not be forced to answer questions they may not be comfortable with. Ninety-seven per cent thought it important or very important to arrange the set-up of the meeting room so that children feel safe, welcome and comfortable.

Figure vii. Communicating with children whilst bringing a complaint



3.2 Timely procedures and need for updates

When asked how long it should take for a tribunal or adjudicating body to make a final decision on a child's case, 56 per cent suggested this should be between two and four months; 17 per cent thought it should be less than a month and only ten per cent thought it should be over six months. In reality judicial proceedings worldwide take considerably longer than this and these answers emphasise the importance of understanding children's perceptions of time. During the process, the vast majority of children and teenagers would like to be contacted by the tribunal or decision-making body every month.

Conclusions and Key Findings

It is reassuring that the vast majority of children and teenagers - 87 per cent - said they would tell someone if they were unhappy with the way they were being treated. However, it is important to stress that six per cent would not disclose this information. Nearly half of these children think they can deal with any problems by themselves. However, 44 per cent are scared of repercussions for their family and 27 per cent said they had asked for help before and it didn't turn out well. Nearly one in five thought they might be punished and a third said they didn't have anyone to talk to.

Most children and teenagers would seek the help and support of their family and carers in order to be able to access justice. Overwhelmingly they stated that the main source of information about remedies would come from parents or carers - in total 88 per cent of children said that they would definitely or probably get information from them. A further 70 per cent said they would definitely or probably obtain information from family members. The vast majority of children - 81 per cent - said that they would want their parents to help them in obtaining access to justice. Although almost as large a proportion selected to be helped by an NGO that helps children - 79 per cent. Above all children need to trust those that help them and to have confidence in their expertise.

Yet nearly 20 per cent of children would not seek the support of their family and carers and it is vital that this group has the assistance they require given that they lack such a crucial source of help. As one 11-15 year old girl explained, she did not agree the justice system worked well because 'Everybody tells about justice but I don't get justice. I don't get justice from my family first.' Interestingly a bigger percentage of this group had a disability or special needs and they were also more likely to think that their justice system does not work well.

Half of children surveyed agreed with the statement that 'The justice system works well for children in my country'. Twenty-seven per cent did not agree and 23 per cent were not sure. Those who did not agree raised issues such as a lack of effective participation by children in the justice system, governments do not prioritise justice for children, there is little accountability for violations of rights including child labour and other forms of violence against children, corruption, particular problems with criminal justice systems that do not serve children well and specific difficulties confronting girls in accessing justice.

In terms of the judicial process, the clear message is that children and teenagers want information to be given to them about the process of bringing a complaint in their own languages and they want clarity in communication. A 16-17 year old girl from Malaysia stated that '[i]t is extremely important to make sure that we, the children as the subject understand what is going on as huge meetings sometimes can be overwhelming for us. So, it is important that discussions done are very much approachable so that children participate and understand.' An 11-15 year old girl from Guatemala expressed a wish that courts/ officials talk '[w]ith words that children understand, not with words that they might not understand themselves.'

Children also want to be listened to and treated in a respectful manner with individualised treatment: 98 per cent said it was important or very important for children's views to be listened to and that they should be treated with respect. A 16-17 year old girl stressed that 'It's important to make the child feel safe so that they can share their struggles. Adults who listen and respect what the child is saying will make a big difference!'

What is concerning is that there is a perception that engaging with informal or formal justice proceedings is likely to expose a child or their family to danger. Forty-four per cent of children who did not want to disclose problems said it was because they were scared of what might happen to their family as a consequence. The most commonly cited obstacle to bringing a complaint was that children's helpers would be threatened or would be made afraid during the process of bringing a complaint. A 16-17 year old girl from Peru explained that 'It would depend on who I denounce. Unfortunately, if I denounce someone powerful, no one will help me because they would run the risk of being fired themselves.' A 16-17 year old girl from the United Kingdom said that a big obstacle would be 'the power structure surrounding the issue.'

ANNEXE ONE

QUESTIONNAIRE

ANNEXE TWO - NUMBER OF RESPONDENTS PER REGION AND COUNTRY

Please note that 303 out of 310 respondents completed this section.

Central and South America - 65%

Peru 23

Honduras 49

Chile 1

Mexico 13

Guatemala 9

Argentina 53

Costa Rica 50

Europe - 15%

Bulgaria 10

Norway 2

Romania 2

United Kingdom 10

Croatia 11

Greece 11

South Asia - 13%

Sri Lanka 23

Bangladesh 16

Middle East and North Africa - 1%

Palestine 1

Kuwait 2

South-Eastern Asia - 4%

Malaysia 4

Philippines 3

Indonesia 4

Cambodia 1

Central and Western Africa - 4%

DRC 2

Sierra Leone 1

Republic of Guinea 1

